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4 PETER GRAVES,
5 Plaintiff,
6 v.
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8 UNITED STATES MARSHALL OFFICE,
9 et al.,
10 Defendants.

11 Case No. 15-cv-01640-JD

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28 **ORDER TRANSFERRING CASE TO
THE EASTERN DISTRICT OF
CALIFORNIA**

Pro se plaintiff Peter Graves, which is apparently an alias according to the complaint, filed this federal civil rights claim against the United States Marshall's Office and other government actors. Dkt. No. 1. His claim relates to events that allegedly occurred at a courthouse in Sacramento, California, which is located within the Eastern District of California. *Id.*; *see* 28 U.S.C. § 84. Plaintiff has also filed a motion to proceed *in forma pauperis*. Dkt. No. 3.

The case is transferred to the Eastern District of California. When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1331(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court "in the interest of justice." 28 U.S.C. § 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986).

The Northern District of California is the wrong venue for this action. Plaintiff's claims relate to events that allegedly took place in Sacramento and within the Eastern District of California. *See* 28 U.S.C. § 84. Venue of this action therefore lies there, not here. Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), it is ordered that this action be transferred to the United States District Court for the Eastern District of California. In light of the transfer, this Court will not decide plaintiff's pending motion.

The Court notes that plaintiff filed in this district because he believes all the federal judges in the Eastern District have a conflict of interest. Dkt. No. 1 at 34. The Court does not address this issue and leaves it for disposition by the judge assigned in the Eastern District if plaintiff chooses to raise the alleged conflicts argument there.

IT IS SO ORDERED.

Dated: May 21, 2015


JAMES DONATO
United States District Judge